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Delivery by Hand and Electronic Mail

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Complaints Examination & Legal Administration
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

**Re: MUR 6627 – The Gun Show
Response of Journal Broadcast Corporation**

Dear Mr. Jordan:

Journal Broadcast Corporation (“Journal”)¹, the FCC licensee of radio station KSGF-FM, 104.1 MHz, Ash Grove, Missouri (the “Station”)², hereby responds to the letters dated August 22, 2012 and September 11, 2012 you sent regarding a complaint made by Thomas Shane Stilson (the “Complainant”) related to the campaign of Mike Moon, a former Republican candidate in the Missouri Seventh Congressional District (the “Complaint”). The letters request that Journal provide any materials that it believes are relevant to the matter. By letter dated September 7, 2012 from Kim Collins, Journal was provided until October 1, 2012 to respond to the Complaint, therefore this response is timely filed.³

The Complainant alleges ten enumerated violations of federal election regulations in the Complaint. Only the first alleged violation, which claims that Mr. Moon’s appearances on the radio program “The Gun Show” constituted an improper campaign contribution by that program’s host Matt Canovi, has any relation to Journal. Therefore, this letter responds only to that first allegation.⁴

¹ Journal Broadcast Corporation is the sole shareholder of Journal Broadcast Group, Inc.

² KSGF-FM’s programming is simulcast on sister station KSGF(AM), also licensed to Journal.

³ Ms. Collins confirmed via email dated September 14, 2012 that, notwithstanding your letter dated September 11, 2012, Journal’s response deadline remained October 1, 2012.

⁴ As Mr. Canovi is an unrelated third party, this response is not submitted on Mr. Canovi’s behalf and Journal assumes that Mr. Canovi will respond separately as appropriate.



As demonstrated herein, The Gun Show is an independently produced and hosted paid program that Journal broadcasts during airtime sold to an unrelated third party. Journal did not make any contributions, whether proper or improper, to Mr. Moon's campaign, and Journal does not possess any materials that are relevant to the Complaint. Furthermore, the Complaint itself does not allege that Journal has violated any campaign restrictions. Accordingly, Journal respectfully requests that the Federal Election Commission (the "Commission") recognize that Journal has not violated, or been accused of violating, any law or regulation related to the matter discussed in the Complaint and Journal further requests that the Commission dismiss it from the instant proceeding.

Journal is the licensee of radio station KSGF-FM, which has operated with a news, talk and opinion format of programming since 2001. The Station's programming includes some programs that are produced by the Station, such as the weekday KSGF Mornings with Nick Reed program, some programs that are syndicated by radio networks, such as the Sean Hannity and Glenn Beck programs, and some programs, such as The Gun Show, that are produced by third parties and broadcast by the Station during time purchased by that third party.

The Gun Show is independently produced and hosted by Matt Canovi. Mr. Canovi is a firearms and security training instructor in the Springfield, Missouri area. Mr. Canovi is not an employee of the Station or Journal. Instead Mr. Canovi purchases two hours of time on the Station (7:00 AM to 9:00 AM, Saturday on KSGF-FM) from Journal. Journal sells the program time to Mr. Canovi at a market rate on the same terms that Journal sells shorter periods of time for more traditional advertisements. Indeed, the Complaint itself acknowledges that The Gun Show is broadcast by the Station as purchased "ad time."

The only connection that the Station has with The Gun Show is that it sells Mr. Canovi the two hour block of time during which the program is broadcast, which includes the services of a staff person to operate the radio control board during the time the program is broadcast. The Station has no involvement or input with regard to the content of The Gun Show or the persons who appear on that program.

The Complaint alleges that Mr. Moon appeared on The Gun Show on at least 20 occasions during "this election cycle" and that during the programs both Mr. Moon and Mr. Canovi solicited donations and promoted Mr. Moon's candidacy. The Complaint alleges that, because of these solicitations by, and promotions of, Mr. Moon's candidacy, each of Mr. Moon's appearances constituted a radio advertisement "and thus is a contribution in-kind from Mr. Canovi to Mr. Moon." The Complaint further alleges that, based on the Complainant's estimates and calculations, the value of the in-kind contributions from Mr. Canovi to Mr. Moon exceed the amounts that are legally permitted.

Although the Complaint does not include any citations, it appears that the Complaint is referring to the statutory contribution limits in the Commission's rules.⁵ For purposes of those limits, the term "contribution" is defined to include any "payments, services, or other things of

⁵ 2 U.S.C. § 441a(a)(1); 11 C.F.R. § 110.0(a).

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value" as described in the Commission's rules.⁶ This definition includes the provision of goods or services without charge or at less than the usual and normal charge for such goods or services.⁷

In the instant matter, Journal did not make any contribution, let alone a non-compliant contribution, to Mr. Moon's campaign as defined by the relevant statutes or regulations. Put simply, Journal did not provide any "payments, services or other things of value" to Mr. Moon or his campaign in any form and thus did not make a contribution of any kind or amount to support Mr. Moon's candidacy.

Indeed, the only goods or services Journal provided to any other party with regard to the subject of the Complaint were the broadcast time and services of a station board operator, which were sold to Mr. Canovi at a standard market rate. Because the Station sold these services to Mr. Canovi at the usual and customary charge for such services, they do not constitute a "contribution" as defined by the Commission. Neither Journal nor the Station had any involvement or connection with any invitation Mr. Canovi may have extended to Mr. Moon to participate in any episode of The Gun Show.

The Complaint does not allege any wrongdoing by Journal or the Station. Instead, the Complaint alleges that Mr. Moon's campaign received "in-kind campaign contributions from Mr. Canovi" and that "Mr. Moon has never claimed his appearances on the radio show as a campaign expenditure in-kind from Mr. Canovi." The only mention of Journal or the Station in the Complaint relates to the statement that the Complainant contacted the Station and was informed that The Gun Show was a paid program.

To the extent that neither Journal nor the Station made a contribution, as defined by the Commission, to any party in connection with this matter, Journal respectfully submits that the Complaint does not properly allege or demonstrate any violation by Journal or the Station of the statutory or regulatory restrictions on contributions to federal candidates. Journal therefore respectfully requests that it be dismissed from this proceeding.

Respectfully submitted,



John W. Bagwell

Counsel to Journal Broadcast Corporation

⁶ 11 C.F.R. §100.51(a).

⁷ 11 C.F.R. §100.52(d)(1).

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